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10/004,396	11/15/2001	Benjamin J. Parker	1692 (15725)	5884

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SPRINT COMMUNICATIONS COMPANY L.P.  
6391 SPRINT PARKWAY  
MAILSTOP: KSOPHT0101-Z2100  
OVERLAND PARK, KS 66251-2100

EXAMINER
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PARRA, OMAR S

ART UNIT	PAPER NUMBER
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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/004,396	<b>Applicant(s)</b> PARKER ET AL.	
	<b>Examiner</b> Omar Parra	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

### ***Response to Amendment***

2. The declaration filed on 10/31/2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Laksono reference.

(a) The declaration was not signed by a qualified party. Although inventor Benjamin Parker is unavailable, the other 3 Inventors: Shane Werner, Charles Diaz and Terry Frederick appear to be available. Furthermore, a petition under 37 CFR 1.47 was not filed for Benjamin Parker. See MPEP 715.04.

(b) It is not clear which of the three ways to show prior invention of the invention being is being established- see MPEP 715.07(III). The three ways are:

- Conception - Actual reduction to practice
- Conception – Diligence Actual reduction to practice
- Conception - Diligence – Constructive reduction to practice

3. The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Laksono reference. Assuming conception of the invention was performed before May 24, 2001, Laksono's filing date, no actual evidence for showing diligence from that day until the constructive reduction to practice or actual reduction to practice is shown.

Given that conception is presumably prior May 24, 2001 and the constructive reduction to practice, filing of the application, or actual reduction to practice, is afterwards, diligence must be shown. Applicant's statement that *"...in view of the detailed drawings and use of established building blocks within the invention...one skilled in the art would reasonably consider the invention to have been completed without a need for further reduction to practice or experimentation..."* constitutes, as respectfully considered by the examiner, a conclusion and not factual evidence. Therefore, evidence for diligence needs to be provided. See MPEP 715.07 (III) and 2138.05 and 2138.06.

#### ***Response to Arguments***

4. Applicant's arguments filed on 10/31/2007 have been fully considered but they are not persuasive.

In response to applicant's remarks, pages 2 and 3, applicant states that Laksono and Eames references fail to teach the limitation of having the gateway sending a

television usable signal to the devices or in other words, that the gateway performs the video processing. To this matter, the examiner respectfully disagrees.

As stated in previous Office Action, in the 'Response to Arguments' section, Laksono's gateway performs the processing of the video to a generic format (RGB and YCBCR, which are usable signals for TVs) from other formats such as MPEG –[0326], leaving to the client module a routing-type of processing, which is performed in a similar manner by the applicant's port extenders (Specifications, page 12 lines 7-22).

Regarding that the client module performs additional processing, the additional processing is a routing-type of processing. In other words, when the stream is received, the client modules' network interface controller looks for the assigned IP addresses at the header of the packets and extracts the data for immediate use [0082][0112], given that television usable signals were received (Given that video data is converted to a generic format –RGB and YCBCR digital format, [0166]- from other formats such as MPEG –[0326]-, the client module does not need to further decode the video data as indicated on Fig. 54, steps 1250-1258).

As also stated in previous Office Action, Laksono's not explicit disclosure of a plurality of adapters coupled to said televisions is complemented with the Eames reference. Eames was brought in to show a gateway capable of processing video signals and having a plurality of adapters or interfaces to connect to a plurality of television sets. Laksono is not explicit in showing the presence of adapters, but shows being able to produce said TV usable signals and sending them for display ([0166], [0326], Fig. 54, steps 1250-1258).

As per applicant's statement that without adapters, Laksono's gateway could not generate the television signals, Laksono is explicitly stating that his gateway is able to do it (Given that video data is converted to a generic format –RGB and YCBCR digital format, [0166]- from other formats such as MPEG –[0326]-, the client module does not need to further decode the video data as indicated on Fig. 54, steps 1250-1258).

Assuming applicant's assertion that it could not be possible, then it could be arguable the inherent presence of said adapters. However, Eames was brought in to explicitly teach said adapters and interfaces at the gateway, avoiding said argument.

Therefore, for the reasons explained above, the examiner respectfully believes that Laksono and Eames references cover all the limitations of applicant's invention as claimed.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Laksono (Pub. No. US 2006/0080707) in view of Eames et al (hereinafter 'Eames', Patent No. 6,493,875).

Regarding claims **1 and 14**, Laksono teaches an apparatus and method for providing video content to a plurality of televisions located at a site, comprising:

a centralized gateway (**132, Fig. 10**) at a centralized gateway location (**[0249] lines 9-13 or [0002] lines 1-3**) within said site for connecting to said plurality of televisions (**26-34, Fig. 1 or [0080]**) and to a digital network supplying packet-based video content (**[0077]**) according to a plurality of selectable video feeds (**44,66,82,88,104,110,106,108,158 and 248; Fig. 10 or 11**) wherein said centralized gateway comprises;

a wide-area network interface in said centralized gateway (**Arrow representation for each of the feeds, Fig. 10,11 or 16; or as described in [0155], since the multimedia server is connected to different sources, it is inherent that a connector or interface must be provided**) for receiving network packets from said digital network (**0077**);

a processor in said centralized gateway coupled to said wide-area network interface for initiating requests for selected video feeds and for converting said received network packets into at least one compressed data stream (**control module 344, Fig. 10 or 16, which receives the video requests from clients, controls the tuners 340 for sending the desired channels to the channel mixer 342 that converts the received channels into generic data or format, as explained in [0144]-[0148] or [0203]-[0209]**);

a plurality of decoders (**Plurality of stream parsing modules 951 and MPEG decoding module 1004, Fig. 40 or [0322], [0323] and [0326]**) in said

centralized gateway coupled to said processor for uncompressing a respective data stream ([0148] or [0209]);

at least one gateway-to-local-area network interface in said centralized gateway (In conjunction, transceiving module 346 and processing module 345, Fig. 10); and

an address server in said centralized gateway (Processing module) for assigning IP addresses, each assigned IP address corresponding to a respective one of said televisions ([0121]); and

a plurality of port extender modules (client modules 134-142, Fig. 10) located separately from said centralized gateway (multimedia server 132, Fig. 10), each associated with a respective television and responsive to a corresponding IP address (Clients 26-34, Fig. 1 and 10 or [0103]; which are able to be identified by server when requesting [0141]-[0142] or being addressed to when receiving [0121]), wherein said television signals are not processed by said port extender modules, and wherein each port extender module comprises (Given that video data is converted to a generic format –RGB and YCBCR digital format, [0166]- from other formats such as MPEG –[0326]-, the client module does not need to further decode the video data as indicated on Fig. 54, steps 1250-1258);

at least one peripheral device interface ([0362]) in said port extender module for connecting to a peripheral user device providing user data, said user data including selection data to be provided to said processor to identify selected video feeds for said requests ([0118], [0141] or 1196 and 1194 in Fig. 51);



a local-area network interface in said port extender module  
coupled to said gateway-to-local-area network interface (**Network interface controller 330, Fig. 10**); and  
a protocol encapsulation processor in said port extender module  
for transporting said user data to said local-area network interface which forwards said user data to said processor in said centralized gateway (**364, Fig. 11 or 1122, Fig. 52 –[0158] or [0371]-, where the user data is sent to server as shown in Fig.55 and 56**).

On the other hand, although Laksono teaches that the server generates television signals usable by said televisions without further processing (**Given that video data is converted to a generic format –RGB and YCBCR digital format, [0166]- from other formats such as MPEG –[0326]-, the client module does not need to further decode the video data as indicated on Fig. 54, steps 1250-1258**), Laksono does not explicitly teach having a plurality of television adapters in said centralized gateway coupled to said decoders and each adapter to be coupled to one of said televisions.

However, in an analogous art, Eames teaches an in-home network that possesses a gateway 200 (Fig. 3, col. 4 lines 41-57) that includes MPEG modules 450, which convert MPEG signals into usable signals for regular TV sets (col. 5 lines 37-50). In order to connect directly to the televisions, S-video adapters or interfaces 474 are provided at gateway 200 (col. 5 lines 15-17).

Therefore, it would have been obvious to an ordinary skilled in the art to modify Laksono's invention to include Eames' adapters at the gateway for the benefit of not using a client module, especially if the TV set is in the same room as the gateway, and consequently saving the user the money of its cost.

Regarding claim 2, the combined teachings of Laksono and Eames teach having the port extenders proximate to its respective televisions (**Laksono, Clients 14-22, Fig. 1; or 134-142, Fig. 6 and televisions or clients 26-34, Fig. 1 and 6).**

Regarding claim 3, the combined teachings of Laksono and Eames teach having the apparatus further comprising a wireless communication link between said gateway-to-local area network interface and said local-area network interface (**Laksono, [0241] or 192 Fig. 21).**

Regarding claim 4, the combined teachings of Laksono and Eames teach that wherein said gateway-to-local area network interface and said local-area network interface are comprised of respective transceivers coupled together via a cable carrying said television signals (**Laksono, Transceiving module 346 at the server, Fig. 10 and Network interface controller 1166 at the client module, Fig. 51).**

Regarding claim 5, the combined teachings of Laksono and Eames teach having an apparatus further comprising a network UTP cable connected between said gateway-to-local area network interface and said local-area network interface **(Laksono, [0237] or 192 Fig. 20)**.

Regarding claim 6, the combined teachings of Laksono and Eames teach wherein said peripheral device interface includes a remote control interface for receiving said selection data from a remote control device **(Laksono, [0141]-[0142])**.

Regarding claim 7, the combined teachings of Laksono and Eames teach wherein said gateway includes a storage media containing a compressed video file, and wherein said selection data can further select viewing of said video file at said respective television **(Laksono, [0153])**.

Regarding claim 8, the combined teachings of Laksono and Eames teach an apparatus wherein said processor determines whether selection data from one port extender module is equivalent to selection data from another port extender module and, if they are equivalent, provides a corresponding video feed to both televisions corresponding to said one and another port extenders **(Laksono, [0084])**.

Regarding claim 9, the combined teachings of Laksono and Eames teach an apparatus wherein said peripheral device interface includes a serial bus interface **(Laksono, 'Serial Port', [0362] line 7).**

Regarding claim 10, the combined teachings of Laksono and Eames teach an apparatus wherein said peripheral device interface includes a game-port interface **(Laksono, '...universal serial bus (USB)...', [0362] line 6).**

Regarding claim 11, the combined teachings of Laksono and Eames teach an apparatus wherein said peripheral device interface includes a keyboard interface **(Laksono, [0118]).**

Regarding claim 12, the combined teachings of Laksono and Eames teach an apparatus wherein said television adapters comprise outputs for connecting to a standard television coaxial cable **(Given that the communication link can be coaxial cable -[0237] line 11-, and adapter or interface must be provided at the gateway).**

Regarding claim 13, the combined teachings of Laksono and Eames teach an apparatus wherein said centralized gateway includes a plurality of gateway-to-local-area network interfaces, each connected to a respective one of said port extender modules **(Transceiving module 690 and Transceiving module 154,208,246,286&/or 346 in Fig. 23).**

Regarding claim 15, the combined teachings of Laksono and Eames teach a method further comprising the steps of:

said second port extender module communicating with a second remote control **(Any of the client modules is related to a remote control, [01414])** for identifying a second selected video feed **(A plurality of request are sent to the server from the different client modules -[0157] lines 1-4-);**

said second port extender module sending selection data to said centralized gateway in response to said second selected video feed, said selection data including said second IP address **([0142]-[0143]);**

said centralized gateway comparing said first selected video feed and said second selected video feed;

if said first and second selected videos feeds are the same, then said centralized gateway coupling said first television signal to said first and second television adapters simultaneously; and

if said first and second selected videos feeds are not the same, then said centralized gateway retrieving said second selected video feed from said digital network and generating a corresponding second television signal at said second television adapter, wherein said centralized gateway identifies said second television adapter in response to said second IP address **([0082] and [0084]).**

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Parra whose telephone number is 571-270-1449. The examiner can normally be reached on Under Academy Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OP

  
**CHRISTOPHER GRANT**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**